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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

- - -

JAMES COPPAGE :
Plaintiff, : Civil Action
vs. : No.
: 1-18-cv-03823-
UNITED STATES STEEL : GLR
CORPORATION, et al., :
:
Defendants. :

- - -

November 21, 2019

- - -

Oral Deposition of ROBERT F.
HERRICK, Sc.D., CIH, FAIHA, taken pursuant
to Notice at Veritext-Boston, 101 Arch
Street, Suite 650, Boston, Massachusetts
02110, beginning at 9:09 a.m. before
Brigitte A. Strain, a Federally Approved
Registered Professional Reporter and Notary
Public.

- - -

VERITEXT LEGAL SOLUTIONS
NEW ENGLAND REGION



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I N D E X

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ROBERT F. HERRICK, Sc.D., CIH, FAIH8

(It is hereby stipulated and agreed by and among counsel for the respective parties that an objection by one defendant shall inure to the benefit of all defendants.)

ROBERT F. HERRICK, Sc.D., CIH, FAIHA, after having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. CAIRONE:

Q. Good morning, Dr. Herrick. How are you?

A. Fine, thank you.

Q. I'm Matt Cairone. I represent United States Steel Corporation. Did you bring anything with

you today?

A. Yeah, I have a couple of documents, which we can -- Should I get them right now?

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DEPOSITION SUPPORT INDEX

INSTRUCTION NOT TO ANSWER:

Page Line
None

REQUEST FOR PRODUCTION OF DOCUMENTS:

Page Line Description

None

STIPULATIONS:

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QUESTIONS MARKED:

Page Line

None

ROBERT F. HERRICK, Sc.D., CIH, FAIH9

Q. Well, let me ask you. What are those documents?

A. Well, one -- the main thing is notes from a phone call I had with Mr. Southworth, who was one of the co-workers. And he answered some questions I had about the solvent use.

Q. Is that in your report?

A. No.

Q. Why not?

A. Well, I just talked to him yesterday.

Q. And so we're here to depose you today and you're now giving us new information that we've not had any access to?

A. Well, it's actually -- He confirmed things that are largely reflected in the report. So it isn't as if there was anything brand fresh and new that --

Q. So, there are no new underlying facts that you got from Mr. Southworth?

MR. DuPONT: Objection, form.

<p style="text-align: right;">Page 22</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH22</p> <p>1 Q. I know he worked beyond that, 2 but I'm going to leave that for other folks 3 to ask you about. I think you've already 4 said it in our discussion about the new 5 information that you provided this morning, 6 that Mr. Coppage said he used a solvent for 7 cleaning purposes at all three of the sites 8 that we just mentioned, but he never 9 identified that solvent by name; correct? 10 A. That is correct. Right. 11 Q. So, he never identified the 12 solvent that he used by chemical name. 13 Correct? 14 A. My recollection from his 15 deposition was that he just said he couldn't 16 remember. 17 Q. So, he didn't remember 18 anything about it, other than it was a 19 solvent? 20 MR. DuPONT: Objection, form. 21 THE WITNESS: Well, I think 22 that's probably fair. Yeah. 23 BY MR. CAIRONE: 24 Q. Just for the record, he didn't</p>	<p style="text-align: right;">Page 24</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH24</p> <p>1 It's the column I added on the far right 2 side of the table under Stallings. 3 Q. So, in this document you just 4 gave me, it says that he started in the 5 pressroom at the News-American in 1956, and 6 he became an apprentice in 1961. So, what I 7 just asked you, that's correct. Right? 8 A. I think that's right. Yeah. 9 Q. And then Mr. Stallings worked 10 as an apprentice from either 1961 to 1966 or 11 '67, rotating among the Baltimore Sun, the 12 News-American and Alco-Gravure just like Mr. 13 Stallings did during a slightly different 14 time period. Right? 15 MR. DuPONT: Objection, form. 16 THE WITNESS: I think that's 17 right. Yeah. 18 BY MR. CAIRONE: 19 Q. And then Mr. Stallings worked 20 as a journeyman pressman from 1966 or 1967 21 to about 1986 at the News-American. Right? 22 A. I think that's right. Yeah. 23 Q. And then Mr. Stallings worked 24 as a journeyman pressman at the Baltimore</p>
<p style="text-align: right;">Page 23</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH23</p> <p>1 identify it by chemical name. Right? 2 A. Right. 3 Q. He didn't identify it by 4 product name. Right? 5 A. Right. 6 Q. He didn't identify it by brand 7 name. Right? 8 A. Right. 9 Q. Now, what he did say was that 10 it was clear. Do you remember that? 11 A. I do. 12 Q. You didn't mention that in 13 your report, did you? 14 A. It doesn't ring a bell. I 15 don't think I said anything about -- I don't 16 think I addressed that. No. 17 Q. Now, you relied on the 18 deposition of a Mr. Stallings; right? 19 A. I did. 20 Q. Mr. Stallings worked as a 21 junior pressman at the News-American from 22 1956 to 1961; correct? 23 A. I think that's what I tried to 24 capture in that additional table I just --</p>	<p style="text-align: right;">Page 25</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH25</p> <p>1 Sun from 1986 to 2002; correct? 2 A. I think that's right. Yeah. 3 Q. By my calculation, the only 4 overlap where Mr. Coppage and Mr. Stallings 5 actually worked in the same rotation was 6 1965 to either '66 or '67. Is that fair? 7 A. Is that his rotation as an 8 apprentice? Is that -- 9 Q. Well, I'm asking you. I just 10 want to make sure we -- 11 A. Okay. Can I see my little 12 table? 13 Q. Yes. 14 A. That's the way I tried to put 15 this together. Thanks. Yeah, he was at the 16 News-American, but that was before Mr. 17 Coppage was there. And so -- yeah, I think 18 I would agree that most of his direct 19 overlap time was during this time when he 20 was the journeyman on call. He was at the 21 News-American, and he was at the Sun. He was 22 also at Alco-Gravure during that period. 23 Q. Well, you say direct overlap, 24 but they were both -- During this short time</p>

<p style="text-align: right;">Page 30</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH30</p> <p>1 about what he did in these two places.</p> <p>2 Q. When you calculated the</p> <p>3 exposure assessment, did you take into</p> <p>4 account the locations?</p> <p>5 A. No, I didn't.</p> <p>6 Q. That's all I was trying to</p> <p>7 clarify.</p> <p>8 A. Okay.</p> <p>9 Q. So, getting back to where we</p> <p>10 were, Mr. Stallings identified a general</p> <p>11 purpose cleaning solvent, and he identified</p> <p>12 three companies. Correct?</p> <p>13 A. Yeah, I'm just trying to --</p> <p>14 yes, that's right.</p> <p>15 Q. And those three companies were</p> <p>16 U.S. Printing Inks, Sun Chemicals and Hanco;</p> <p>17 correct?</p> <p>18 A. Right. That's what he said.</p> <p>19 Q. And he also said that at the</p> <p>20 Baltimore Sun, he used the U.S. Printing and</p> <p>21 Sun Chemical solvent about 60 percent of the</p> <p>22 time and the Hanco about 40 percent of the</p> <p>23 time. Do you remember that?</p> <p>24 A. Yeah. I'm just looking at --</p>	<p style="text-align: right;">Page 32</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH32</p> <p>1 A. Well, he talked a lot about</p> <p>2 how he used it. Is that kind of what you're</p> <p>3 --</p> <p>4 Q. So, it's your testimony that</p> <p>5 Mr. Stallings testified about how he used a</p> <p>6 U.S. Printing ink solvent?</p> <p>7 A. Well, I'd have to go back and</p> <p>8 look more carefully in his deposition. I</p> <p>9 don't remember if he talked about the</p> <p>10 product use on a product specific basis.</p> <p>11 Q. Now, Mr. Stallings was deposed</p> <p>12 in -- not this case. You know that, right?</p> <p>13 A. I do. Yeah.</p> <p>14 Q. Do you know what the product,</p> <p>15 at issue was in the case he was deposed?</p> <p>16 A. I don't.</p> <p>17 Q. Do you know whether a U.S.</p> <p>18 Printing solvent was at issue in that case?</p> <p>19 A. I don't know much about that</p> <p>20 case. No.</p> <p>21 Q. Do you know if a Sun Chemical</p> <p>22 solvent was at issue in that case?</p> <p>23 A. I don't.</p> <p>24 Q. Do you recall, as you sit here</p>
<p style="text-align: right;">Page 31</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH31</p> <p>1 Yes, I do remember that. Right.</p> <p>2 Q. And Mr. Stallings said at</p> <p>3 News-American he used the U.S. Printing and</p> <p>4 the Sun Chemical solvent about 70 to 75</p> <p>5 percent of the time, and the Hanco about 25</p> <p>6 to 30 percent of the time. Do you remember</p> <p>7 that?</p> <p>8 A. I do. That sounds familiar.</p> <p>9 Yep.</p> <p>10 Q. Now, Mr. Stallings, in his</p> <p>11 deposition, said he could not identify the</p> <p>12 solvent by name or product number. Is that</p> <p>13 correct?</p> <p>14 A. I believe that is what he</p> <p>15 said. Yeah.</p> <p>16 Q. And did Mr. Stallings talk at</p> <p>17 all about the U.S. Printing or Sun Chemical</p> <p>18 solvent in his deposition?</p> <p>19 MR. DuPONT: Objection, form.</p> <p>20 THE WITNESS: Help me</p> <p>21 understand. When you say talk about,</p> <p>22 I mean, he talks about --</p> <p>23 BY MR. CAIRONE:</p> <p>24 Q. Did he say anything about it?</p>	<p style="text-align: right;">Page 33</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH33</p> <p>1 today, Mr. Stallings ever mentioning a U.S.</p> <p>2 Printing ink product in his deposition?</p> <p>3 A. You know, I have to say, I'm</p> <p>4 not -- I don't recall that much about his</p> <p>5 deposition to give you a really good answer</p> <p>6 to that.</p> <p>7 Q. Same question on Sun Chemical.</p> <p>8 As you sit here today, do you recall him</p> <p>9 ever mentioning a Sun Chemical solvent in</p> <p>10 his deposition?</p> <p>11 A. I don't.</p> <p>12 MR. DuPONT: Objection, form.</p> <p>13 BY MR. CAIRONE:</p> <p>14 Q. Now, on page 16 of your</p> <p>15 report -- I'll let you go there -- Mr.</p> <p>16 Stallings said that the solvents that he</p> <p>17 used were always clear.</p> <p>18 A. I see that. Yep.</p> <p>19 Q. And, as we've already</p> <p>20 established, Mr. Coppage also said the</p> <p>21 solvent he used was always clear, but you</p> <p>22 didn't put that in your report. Right?</p> <p>23 A. Apparently not, no.</p> <p>24 Q. Now, can we also agree that</p>

<p style="text-align: right;">Page 34</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH34</p> <p>1 even according to Mr. Stallings' deposition, 2 there was no Hanco product used at 3 Alco-Gravure?</p> <p>4 MR. DuPONT: I think you made 5 a misrepresentation about what's in 6 his report. So I'll make an objection 7 to that for the record.</p> <p>8 THE WITNESS: Could you repeat 9 that one? I just want to make sure I 10 understood the --</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Yes. I'm saying there was no 13 Hanco product used at Alco-Gravure. The 14 product that was identified was toluene.</p> <p>15 A. That was -- I remember that 16 Stallings mentioned toluene; right.</p> <p>17 Q. Did he mention Hanco at 18 Alco-Gravure?</p> <p>19 A. Let's see.</p> <p>20 Q. Take your time.</p> <p>21 A. Sure.</p> <p>22 No, I don't remember that he 23 did.</p> <p>24 Q. And you would agree with me</p>	<p style="text-align: right;">Page 36</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH36</p> <p>1 Q. Yes.</p> <p>2 A. Right. Correct.</p> <p>3 Q. And Mr. Stallings identified 4 three solvents that he says they used at 5 Baltimore Sun and News-American; correct?</p> <p>6 A. I think that is correct. Yeah.</p> <p>7 Q. Mr. Stallings did not identify 8 any of those solvents by product name. 9 Correct? Well, I'm sorry, by the exact 10 product name.</p> <p>11 A. He didn't. He mentioned what 12 he thought was the manufacturer, not the 13 product name.</p> <p>14 Q. Okay. And he could not, and 15 he did not identify the product number of 16 any Hanco solvent. Right?</p> <p>17 MR. DuPONT: Compound.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. Let me address that.</p> <p>20 A. Sure.</p> <p>21 Q. Good objection. I'll break it 22 down.</p> <p>23 He did not identify the 24 product number of any Hanco product.</p>
<p style="text-align: right;">Page 35</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH35</p> <p>1 that both Mr. Coppage and Mr. Stallings said 2 the printing process at Alco-Gravure was 3 entirely different from the one at the 4 Baltimore Sun or the News-American; right?</p> <p>5 A. Well, they did say it was 6 different, especially the cleaning processes 7 particularly.</p> <p>8 Q. And the printing process; 9 right?</p> <p>10 A. It is different. Sure.</p> <p>11 Q. One is rotogravure; right?</p> <p>12 A. Right.</p> <p>13 Q. Now I want to focus on the 14 1960 to 1969 time period. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. Now, Mr. Coppage, during that 17 particular time period, could not identify 18 the solvent he used, but he said it was 19 clear. Correct?</p> <p>20 MR. DuPONT: Objection, form.</p> <p>21 THE WITNESS: I just want to 22 double check. So this is before he 23 went to Alco; right?</p> <p>24 BY MR. CAIRONE:</p>	<p style="text-align: right;">Page 37</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH37</p> <p>1 Correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And he said he could not 4 identify any product number of any Hanco 5 product, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. At this point, I was going to 8 go into your exposure assessment, but why 9 don't we take a break so we can get these 10 copied, and we can all take a look at them. 11 That's probably going to take at least 15 12 minutes. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. We're going to take a 15 15 minute break. I guess we could try to e-mail 16 these folks, but I'm not sure how that's 17 going to work.</p> <p>18 (Discussion held off the 19 record.)</p> <p>20 (Whereupon there was a recess 21 in the proceeding from 9:34 a.m. to 22 9:43 a.m.)</p> <p>23 - - -</p> <p>24 (Whereupon the document was</p>

<p style="text-align: right;">Page 50</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH50</p> <p>1 your assumption that Mr. Coppage's use of</p> <p>2 solvents prior to 1977 was solvents that</p> <p>3 contained 50 percent benzene?</p> <p>4 A. Well, it's consistent with</p> <p>5 what was going on in the practice of</p> <p>6 printing during that time period, that</p> <p>7 benzene-containing solvents were used for</p> <p>8 this general purpose cleaning.</p> <p>9 Q. Do you know that Hanco had</p> <p>10 multiple products for use with printing</p> <p>11 presses and cleaning?</p> <p>12 A. I do.</p> <p>13 Q. Why did you choose this one?</p> <p>14 Mr. Graham was not talking about Mr.</p> <p>15 Coppage.</p> <p>16 A. No, I understand that part. I</p> <p>17 was using this because I thought this was a</p> <p>18 good representation of a general purpose</p> <p>19 product. And I realized that Hanco has a</p> <p>20 lot of other products, a lot of which have</p> <p>21 more specialized applications.</p> <p>22 Q. What do you think MS-408 is</p> <p>23 used for?</p> <p>24 A. My assumption here was that it</p>	<p style="text-align: right;">Page 52</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH52</p> <p>1 MR. DuPONT: Objection, form.</p> <p>2 THE WITNESS: Okay. I could</p> <p>3 recalculate it. It would give us a</p> <p>4 different answer.</p> <p>5 BY MR. CAIRONE:</p> <p>6 Q. Right. I think that's an</p> <p>7 answer, although not clear.</p> <p>8 Now, what I want to show you,</p> <p>9 though is, just above the passage of this</p> <p>10 deposition that you use for your assumption,</p> <p>11 just above it, it says -- I'm sorry, not</p> <p>12 just above it, but it's on page 244, which</p> <p>13 isn't far above it.</p> <p>14 Now, we're talking about</p> <p>15 MS-408. Okay? Are you with me?</p> <p>16 A. Yep.</p> <p>17 Q. Line 22, page 244.</p> <p>18 "In any event, it's your</p> <p>19 understanding, based on looking at the</p> <p>20 documents, that Hancolite, which was MS-408,</p> <p>21 would have been purple in color during the</p> <p>22 '60s and '70s and early '80s. Correct?"</p> <p>23 Answer: "Violet, purple.</p> <p>24 However, yes, it was shaded."</p>
<p style="text-align: right;">Page 51</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH51</p> <p>1 was general purpose cleaning.</p> <p>2 Q. And if that assumption is</p> <p>3 wrong, then the basis for this 50 percent</p> <p>4 benzene is wrong.</p> <p>5 MR. DuPONT: Objection, form.</p> <p>6 THE WITNESS: Well, I'd have</p> <p>7 to look. I mean, it's possible that</p> <p>8 if there's a different number, it</p> <p>9 would have, you know, resulted in a</p> <p>10 different calculation.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Please answer my question,</p> <p>13 Doctor. You just said that you assumed this</p> <p>14 was a general purpose cleaner. Right?</p> <p>15 A. Right.</p> <p>16 Q. If that assumption is wrong,</p> <p>17 then your use of this product as the basis</p> <p>18 of your assumption of the benzene content is</p> <p>19 wrong.</p> <p>20 A. It would require a different</p> <p>21 value if the benzene content was different,</p> <p>22 yeah.</p> <p>23 Q. And if it requires a different</p> <p>24 value, it's wrong.</p>	<p style="text-align: right;">Page 53</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH53</p> <p>1 Why didn't you put that in</p> <p>2 your report?</p> <p>3 A. Well, it was mainly focused on</p> <p>4 the benzene content and I didn't know, you</p> <p>5 know, that that information really added</p> <p>6 anything.</p> <p>7 Q. We just established that both</p> <p>8 Mr. Stallings and Mr. Coppage said the</p> <p>9 solvent they used was always clear.</p> <p>10 MR. DuPONT: Objection, form.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Didn't we?</p> <p>13 A. I remember that conversation,</p> <p>14 yeah.</p> <p>15 Q. Is it your testimony really,</p> <p>16 Dr. Herrick, that the fact that MS-408 was</p> <p>17 purple is not relevant?</p> <p>18 A. Well, it didn't really factor</p> <p>19 into my calculations around the benzene</p> <p>20 content, no.</p> <p>21 Q. Okay. Your benzene content</p> <p>22 was based on an assumption that Mr. Coppage</p> <p>23 used MS-408. Right?</p> <p>24 A. That's correct, yeah.</p>

<p style="text-align: right;">Page 54</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH54</p> <p>1 Q. Mr. Coppage said he used a</p> <p>2 clear solvent; right?</p> <p>3 A. He did.</p> <p>4 Q. According to Mr. Graham, who</p> <p>5 you rely on, MS-408 was purple.</p> <p>6 A. I understand that.</p> <p>7 Q. And that's of no consequence</p> <p>8 to you?</p> <p>9 A. Well, no. I mean, the</p> <p>10 distinction -- I get the distinction.</p> <p>11 Q. What's the distinction?</p> <p>12 A. Well, there's a discontinuity</p> <p>13 between Mr. Coppage's recollection and what</p> <p>14 Mr. Graham testified to. I guess I would</p> <p>15 just say, you know, in terms of talking to</p> <p>16 someone like Coppage, asking him about a</p> <p>17 product he used, what, 40 years ago, I guess</p> <p>18 I'm not completely shocked that, you know,</p> <p>19 there could be information that either he</p> <p>20 didn't recall correctly or he just</p> <p>21 misstated.</p> <p>22 Q. So you just assumed Mr.</p> <p>23 Coppage was wrong. He got it wrong.</p> <p>24 MR. DuPONT: Objection.</p>	<p style="text-align: right;">Page 56</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH56</p> <p>1 interviews, you know, my impression</p> <p>2 has always been that people are much</p> <p>3 better at recalling what they did</p> <p>4 than particular details, like, you</p> <p>5 know, the size of the room they were</p> <p>6 in, or the height of the ceiling or</p> <p>7 something like that. And so, you</p> <p>8 know, when I read these depositions</p> <p>9 and look at this information, I try</p> <p>10 to keep that in mind.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. And let's be clear. Mr.</p> <p>13 Stallings also said the solvent was always</p> <p>14 clear. Right?</p> <p>15 A. Yes.</p> <p>16 Q. So you have the only two fact</p> <p>17 witnesses, that I'm aware of, that could</p> <p>18 identify the color of the solvent, and they</p> <p>19 both said it was clear. Right?</p> <p>20 A. They did.</p> <p>21 Q. And we now established that</p> <p>22 MS-408 Hancolite Glaze Cleaner is purple.</p> <p>23 Right?</p> <p>24 MR. DuPONT: Objection, form.</p>
<p style="text-align: right;">Page 55</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH55</p> <p>1 THE WITNESS: No, I didn't</p> <p>2 really make any assumption, you know,</p> <p>3 other than trying to, you know, use</p> <p>4 the best available information.</p> <p>5 BY MR. CAIRONE:</p> <p>6 Q. What is better available</p> <p>7 information than the testimony of the</p> <p>8 plaintiff and his co-worker?</p> <p>9 A. I'm not trying to suggest it's</p> <p>10 not good information. I'm just pointing out,</p> <p>11 you know, that he's being asked about</p> <p>12 details of products that he used in the</p> <p>13 distant past.</p> <p>14 Q. Well, then maybe Mr. Stallings</p> <p>15 doesn't remember what they used either.</p> <p>16 MR. DuPONT: Objection, form.</p> <p>17 Misstates testimony.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. You can't have it both ways.</p> <p>20 MR. DuPONT: Now you're</p> <p>21 arguing.</p> <p>22 THE WITNESS: You know, I --</p> <p>23 over the years, when I've, you know,</p> <p>24 done a lot of these worker</p>	<p style="text-align: right;">Page 57</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH57</p> <p>1 THE WITNESS: That's what</p> <p>2 Graham said, yeah.</p> <p>3 BY MR. CAIRONE:</p> <p>4 Q. Okay. Well, in fact, on page</p> <p>5 210 of Mr. Graham's deposition, he testified</p> <p>6 specifically, in response to questions asked</p> <p>7 by MR. DuPONT, that the formula for</p> <p>8 Hancolite MS-408 called for the addition of</p> <p>9 a dye. Did you read that?</p> <p>10 A. Uh-huh.</p> <p>11 Q. No reaction to that?</p> <p>12 A. No. I mean, I remember seeing</p> <p>13 this information and, you know, I recognize</p> <p>14 that there's some discordance between that</p> <p>15 information and what Stallings and Coppage</p> <p>16 recalled.</p> <p>17 Q. Tell me what you mean by some</p> <p>18 discordance.</p> <p>19 A. Well, I just -- you know,</p> <p>20 again, not to be redundant, but that -- you</p> <p>21 know, I'm not completely surprised that, you</p> <p>22 know, someone might not necessarily have a,</p> <p>23 you know, detailed recall of the color of a</p> <p>24 solvent that he used 40 years ago.</p>

<p style="text-align: right;">Page 66</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH66</p> <p>1 Q. -- to which you input data.</p> <p>2 Right?</p> <p>3 A. Right.</p> <p>4 Q. And the program then</p> <p>5 calculates data and comes up with a result.</p> <p>6 Right?</p> <p>7 A. That's correct. Yeah.</p> <p>8 Q. And we've already established</p> <p>9 that the benzene content of the product at</p> <p>10 issue is critical in determining the outcome</p> <p>11 of that Excel spreadsheet. Right?</p> <p>12 A. It is. Yes.</p> <p>13 Q. So can we agree that if you</p> <p>14 put the wrong input, you get the wrong</p> <p>15 answer?</p> <p>16 A. Well, sure. I mean, the model</p> <p>17 is only as good as the information you</p> <p>18 supply.</p> <p>19 Q. So if in calculating your</p> <p>20 exposure assessment, your assumption that</p> <p>21 all of the solvents contain 50 percent</p> <p>22 benzene prior to 1977, if that was wrong,</p> <p>23 hypothetical, then your answer is wrong.</p> <p>24 MR. DuPONT: Objection, form.</p>	<p style="text-align: right;">Page 68</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH68</p> <p>1 thing I want to ask you about is --</p> <p>2 Stallings is Exhibit 2. You have a note</p> <p>3 there. Do you see your notes?</p> <p>4 A. I do.</p> <p>5 Q. Can you read what your note</p> <p>6 says?</p> <p>7 A. Shown -- Is this the right</p> <p>8 one? Under Stallings Exhibit 2?</p> <p>9 "Shown the label of the</p> <p>10 Hancolite Glaze Cleaner and says that the</p> <p>11 label was on the side of the drum. Page 66,</p> <p>12 1 through 10."</p> <p>13 Q. So when you read page 66 of</p> <p>14 Mr. Stallings' deposition, that's what you</p> <p>15 took away from that, that he said the</p> <p>16 Hancolite Glaze Cleaner label was on the</p> <p>17 side of the drum?</p> <p>18 A. I think that that's accurate.</p> <p>19 Yeah. I don't have the deposition right in</p> <p>20 front of me, but that's --</p> <p>21 Q. Well, I do.</p> <p>22 A. Okay.</p> <p>23 Q. And the question is: "Okay.</p> <p>24 Tell us what, if anything, you remember in</p>
<p style="text-align: right;">Page 67</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH67</p> <p>1 THE WITNESS: Yeah.</p> <p>2 BY MR. CAIRONE:</p> <p>3 Q. Give me five minutes to look</p> <p>4 at my notes. I might be done.</p> <p>5 A. Okay.</p> <p>6 (Whereupon there was a recess</p> <p>7 in the proceeding from 10:11 a.m. to</p> <p>8 10:16 a.m.)</p> <p>9 - - -</p> <p>10 (Whereupon the document was</p> <p>11 marked, for identification purposes,</p> <p>12 as Herrick Exhibit Number 3.)</p> <p>13 - - -</p> <p>14 BY MR. CAIRONE:</p> <p>15 Q. I have one or two questions,</p> <p>16 based on these new notes. And, again,</p> <p>17 without waiving my reservation of rights and</p> <p>18 the motion to strike I put on the record</p> <p>19 earlier, I'll ask you a question.</p> <p>20 We've marked Exhibit 3, Dr.</p> <p>21 Herrick, which is a copy of the three</p> <p>22 typewritten pages of -- I think it's three.</p> <p>23 Yes. Three typewritten pages of notes that</p> <p>24 you've produced this morning. And the one</p>	<p style="text-align: right;">Page 69</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH69</p> <p>1 terms of signage, labelage, anything that in</p> <p>2 terms of the 55-gallon drum is similar to</p> <p>3 what you see in Plaintiffs Exhibit 2."</p> <p>4 Answer: "In addition to</p> <p>5 Hanco, the other two products I mentioned,</p> <p>6 they had these labels on the side of the</p> <p>7 drum and on the top of the drum. They were</p> <p>8 all there. They were -- all three were about</p> <p>9 the same. And they were either taped on or</p> <p>10 glued on, so they were readily visible,</p> <p>11 visibly available. You had to be a blind</p> <p>12 person not to see them."</p> <p>13 Did you take that to be an</p> <p>14 answer that he saw the Hancolite Glaze</p> <p>15 Cleaner label on all three of the products</p> <p>16 that he used?</p> <p>17 A. Oh, I see what you're saying.</p> <p>18 No, they weren't -- I mean, I understand the</p> <p>19 question. They were not all three Hancolite</p> <p>20 Glaze Cleaner. What I think was being</p> <p>21 referred to in the question was some of the</p> <p>22 other information that's on that label. He</p> <p>23 recognized that.</p> <p>24 Q. He recognized the Hanco name.</p>

<p style="text-align: right;">Page 70</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH70</p> <p>1 MR. DuPONT: Objection, form.</p> <p>2 BY MR. CAIRONE:</p> <p>3 Q. Because in the context of the</p> <p>4 rest of his testimony, he said, "I couldn't</p> <p>5 identify the product and I couldn't identify</p> <p>6 the number." We've already established that.</p> <p>7 Right?</p> <p>8 MR. DuPONT: Objection,</p> <p>9 compound.</p> <p>10 THE WITNESS: Right. What I</p> <p>11 was referring to, though, is there's</p> <p>12 other information on that label. And</p> <p>13 my interpretation of it was that he</p> <p>14 was including that. That's what he</p> <p>15 was referring to.</p> <p>16 BY MR. CAIRONE:</p> <p>17 Q. But you're not saying that</p> <p>18 that passage from the deposition means that</p> <p>19 all three of these solvents had Hancolite</p> <p>20 Glaze Cleaner on it. That wouldn't -- that</p> <p>21 couldn't be possible. They were made by</p> <p>22 different companies.</p> <p>23 A. Absolutely. I wasn't trying to</p> <p>24 imply that he was claiming all three of them</p>	<p style="text-align: right;">Page 72</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH72</p> <p>1 MR. DuPONT: Objection, form.</p> <p>2 BY MR. CAIRONE:</p> <p>3 Q. Right?</p> <p>4 A. And he couldn't identify the</p> <p>5 Hanco product number.</p> <p>6 MR. DuPONT: Objection, form.</p> <p>7 BY MR. CAIRONE:</p> <p>8 Q. Correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Those are all the</p> <p>11 questions I have.</p> <p>12 MR. CAIRONE: Go ahead,</p> <p>13 Deborah.</p> <p>14 - - -</p> <p>15 BY MS. PROSSER:</p> <p>16 Q. Okay. Thank you.</p> <p>17 Hi, Dr. Herrick. My name is</p> <p>18 Deborah Prosser and I represent Graphic</p> <p>19 Packaging and Handschy International in this</p> <p>20 case.</p> <p>21 When were you retained by MR.</p> <p>22 DuPONT?</p> <p>23 A. On this particular case, or in</p> <p>24 general?</p>
<p style="text-align: right;">Page 71</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH71</p> <p>1 were Hancolite glaze cleaner, no.</p> <p>2 Q. Are you trying to assume from</p> <p>3 this that he was saying one was?</p> <p>4 MR. DuPONT: Objection, form.</p> <p>5 THE WITNESS: Well, that would</p> <p>6 have been -- that -- I would assume</p> <p>7 that, you know, since the universe of</p> <p>8 products is only three, and, you</p> <p>9 know, he had mentioned that the Hanco</p> <p>10 product was one of them.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. He mentioned Hanco. Right?</p> <p>13 A. Right.</p> <p>14 Q. And it says Hanco on Exhibit</p> <p>15 2. Right?</p> <p>16 A. I don't have it in front of</p> <p>17 me. I think so.</p> <p>18 Q. Have you looked at Exhibit 2?</p> <p>19 A. Sure. But I can't remember</p> <p>20 just sitting right here now.</p> <p>21 Q. But you'll agree with me that</p> <p>22 in his deposition he said he could not</p> <p>23 identify the product name, the Hanco product</p> <p>24 name.</p>	<p style="text-align: right;">Page 73</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH73</p> <p>1 Q. No, in this case.</p> <p>2 A. Oh. Well, I was working on</p> <p>3 this report back in the spring. And so I'll</p> <p>4 say, you know, some time in early 2019.</p> <p>5 Q. And you just suggested in your</p> <p>6 last answer to me that you're doing other</p> <p>7 work for MR. DuPONT. Is that correct?</p> <p>8 A. There's other cases that I've</p> <p>9 worked on, yeah.</p> <p>10 Q. With MR. DuPONT?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. How many?</p> <p>13 A. How many are active right now,</p> <p>14 or in total?</p> <p>15 Q. How many cases in total have</p> <p>16 you ever been retained on by MR. DuPONT?</p> <p>17 A. I think there's probably about</p> <p>18 six in total.</p> <p>19 Q. Are they all benzene-related</p> <p>20 exposure cases?</p> <p>21 A. They are.</p> <p>22 Q. Now, I know you talked to the</p> <p>23 co-worker Mr. Southworth yesterday. Did you</p> <p>24 make any attempt to talk to Mr. Robert</p>

<p style="text-align: right;">Page 130</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI130</p> <p>1 compound, beyond the scope and lacks</p> <p>2 foundation.</p> <p>3 BY MS. PROSSER:</p> <p>4 Q. Okay. Let me just ask you.</p> <p>5 The ACGIH TLV for benzene from 1960 to 1969</p> <p>6 was 25 parts per million. Correct?</p> <p>7 A. I think that's correct, yes.</p> <p>8 Q. Now, just as a general rule,</p> <p>9 if somebody says to you, I used a general</p> <p>10 purpose cleaning solvent from 1960 to '69,</p> <p>11 that doesn't tell you -- by the use of the</p> <p>12 term general cleaning solvent, that doesn't</p> <p>13 tell you about the benzene content, if any.</p> <p>14 Right?</p> <p>15 A. Well, I think you'd want to</p> <p>16 refine the question just a little bit. If</p> <p>17 you were talking about people working in</p> <p>18 pressrooms during that time period, you</p> <p>19 know, I think one could reasonably conclude</p> <p>20 that there's a good likelihood that that</p> <p>21 cleaning material was benzene-containing</p> <p>22 because that was a common practice in the</p> <p>23 '60s and '70s.</p> <p>24 Q. And that would cover both</p>	<p style="text-align: right;">Page 132</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI132</p> <p>1 mean, if you think about the</p> <p>2 technology, a lot of the inks that</p> <p>3 were used, you know, were</p> <p>4 benzene-containing themselves. So it</p> <p>5 makes sense that the material that</p> <p>6 was used to clean the inks also was</p> <p>7 benzene-containing.</p> <p>8 BY MS. PROSSER:</p> <p>9 Q. Right. I guess I'm not being</p> <p>10 clear, and I apologize. I'm just trying to</p> <p>11 get to a very simple concept. The term</p> <p>12 general purpose cleaning solvent doesn't</p> <p>13 tell you by that term whether benzene was</p> <p>14 present as a contaminant or whether benzene</p> <p>15 was present as an added ingredient. You</p> <p>16 would have to know what the constituents of</p> <p>17 that solvent were to be able to answer the</p> <p>18 question as to what percentage, if any, of</p> <p>19 benzene was in that product. Is that</p> <p>20 correct?</p> <p>21 MR. DuPONT: Form. Vague</p> <p>22 content.</p> <p>23 THE WITNESS: Yeah, I think</p> <p>24 that's a fair characterization. Yeah.</p>
<p style="text-align: right;">Page 131</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI131</p> <p>1 solvents that had benzene as a contaminant</p> <p>2 for trade spending as well as solvent where</p> <p>3 perhaps there was benzene added. Right?</p> <p>4 MR. DuPONT: Form. Compound.</p> <p>5 Vague.</p> <p>6 THE WITNESS: I wouldn't rule</p> <p>7 it out that there could have been a</p> <p>8 wide range of benzene contents in</p> <p>9 those cleaners. Yeah.</p> <p>10 BY MS. PROSSER:</p> <p>11 Q. So my only point that I was</p> <p>12 trying to get to in my question was, just</p> <p>13 the fact of the generic description, general</p> <p>14 purpose cleaning solvent, that doesn't tell</p> <p>15 you whether there was benzene as a trace</p> <p>16 constituent or contaminant versus benzene as</p> <p>17 an added ingredient. That terminology,</p> <p>18 general purpose cleaner. That's all I'm</p> <p>19 trying to get at.</p> <p>20 MR. DuPONT: Objection, form.</p> <p>21 THE WITNESS: Yeah, I think in</p> <p>22 this particular working environment,</p> <p>23 you know, you would expect there to</p> <p>24 be benzene present at some level. I</p>	<p style="text-align: right;">Page 133</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI133</p> <p>1 MS. PROSSER: Thank you.</p> <p>2 Just for the record, I want to</p> <p>3 join in Mr. Cairone's Motion to</p> <p>4 Strike in case that wasn't clear on</p> <p>5 the record.</p> <p>6 BY MS. PROSSER:</p> <p>7 Q. I'm just going through here. I</p> <p>8 think I might be done, but I do reserve the</p> <p>9 right to come back and ask you any follow up</p> <p>10 questions after other counsel have completed</p> <p>11 their questioning. Thank you so much,</p> <p>12 Doctor.</p> <p>13 A. Okay. Thank you.</p> <p>14 - - -</p> <p>15 MR. ROBERTS: This is Ted</p> <p>16 Roberts for Varn, Mr. DuPont.</p> <p>17 BY MR. ROBERTS:</p> <p>18 Q. Dr. Herrick, nice to meet you.</p> <p>19 A. Hello.</p> <p>20 Q. Can you hear me okay?</p> <p>21 A. Yeah, you're fine.</p> <p>22 Q. Very good. Have you asked</p> <p>23 plaintiff's counsel for any information that</p> <p>24 you have yet to receive regarding the</p>